



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2166

DATE SCANNED

4/25/11

SCANNER NO.

2

SCAN OPERATOR

FES

11092653041



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT

2010 SEP 14 A 10:15

September 13, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR *AP*

FROM: PATRICIA CARMONA *PC for PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *rus* NATALIYA IOFFE/SARI PICKERALE *OR*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 JULY
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 July Quarterly Report in accordance with 2 U.S.C. § 434(a). The July Quarterly Report was due on July 15, 2010.

The committees listed in the attached RTB Circulation Report filed the report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

11092653042

11092653043

9/13/2010 3:51 PM

Federal Election Commission
Reason to Believe Circulation Report
2010 JULY QUARTERLY Not Election Sensitive 07/15/2010 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2155	C00467365	AMODEI FOR NEVADA	AMODEI, MARK EUGENE	NICOLA NEILON	\$166,585	0		Not Filed	\$55,528 (est)	\$2,970
2156	C00470963	BURTON FOR CONGRESS	BURTON, ROBERT	ROBERT CLAUHS	\$230,380	0	8/1/2010	17	\$18,012	\$195
2157	C00465120	CARLOS MAY FOR CONGRESS	MAY, CARLOS ANDREW	BEN ROEGER	\$164,784	0	7/21/2010	6	\$26,366	\$320
2158	C00469833	CITIZENS TO ELECT ROBERT MARSHALL	MARSHALL, ROBERT ALAN	ROBERT MARSHALL	\$217,179	1		Not Filed	\$54,295 (est)	\$3,712
2159	C00464412	COMMITTEE TO ELECT CHICK HEILESON TO CONGRESS	HEILESON, CHICK	CORBET R. MISKIN	\$254,203	0	8/27/2010	Not Filed	\$49,612	\$990
2160	C00471797	COMMITTEE TO ELECT MARK REES	REES, MARK ROBERT	MARK ROBERT REES	\$125,324	0		Not Filed	\$41,775 (est)	\$990
2161	C00462929	COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS	VEREEN, RODERICK D	CHUCK MOGBO	\$154,287	0	7/24/2010	9	\$23,166	\$155

2163	C00470179	DR DAN 4 CONGRESS	EICHENBAUM, DAN	BRIAN UMBARGER	\$233,049	1		Not Filed	\$77,683 (est)	\$4,812
2164	C00208819	EMPIRE STATE REGIONAL COUNCIL OF CARPENTERS POLITICAL ACTION FUND - FEDERAL		WILLIAM J. WEIR	\$988,035	0	9/10/2010	Not Filed	\$663,847	\$10,500

2166	C00458901	FRIENDS OF BROSE MCVEY	MCVEY, BROSE ALLEN	KAREN E. ARLAND	\$463,751	0	8/16/2010	Not Filed	\$45,772	\$990
2167	C00463653	FRIENDS OF STEVEN WELCH	WELCH, STEVEN D	JEFFREY MICHAEL SPARLING	\$1,600,270	0		Not Filed	\$533,423 (est)	\$10,450
2168	C00462325	GALYEAN FOR CONGRESS	GALYEAN, JAMES D	CHRISTOPHER STEWART CAULEY	\$273,846	0		Not Filed	\$68,462 (est)	\$2,970
2169	C00477943	GUNNER DELAY FOR CONGRESS	DELAY, ROBERT GUNNER	MICHAEL DAVID COLLINS	\$153,356	0		Not Filed	\$76,678 (est)	\$3,850
2170	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE		MARTIN MASCUILLI	\$113,995	1	7/22/2010	7	\$21,443	\$181

11092653044

9/13/2010 3:51 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2171	C00233049	LABORER'S INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17 POLITICAL LEAGUE		JOSEPH R. LIBONATI	\$103,366	0	7/29/2010	14	\$7,750	\$125
2172	C00426320	LIBERTARIAN PARTY OF INDIANA		TODD SINGER	\$163,890	1	7/29/2010	14	\$31,621	\$600
2174	C00043463	MANUFACTURED HOUSING INSTITUTE PAC		RAE ANN BEVINGTON	\$192,689	0	8/13/2010	29	\$15,621	\$255
2175	C00419986	MONTEREY COUNTY DEMOCRATIC CENTRAL COMMITTEE FEDERAL		HELEN E. CARLIN	\$336,332	0	7/22/2010	7	\$46,115	\$340
2176	C00086348	NATIONAL ASSOCIATION FOR UNIFORMED SERVICES PAC		MICHAEL F. HARRIS	\$102,671	0	7/21/2010	6	\$49,471	\$320
2177	C00238204	PAKISTANI AMERICAN PUBLIC AFFAIRS COMMITTEE PAK-PAC		DR. PARVEZ SHAH	\$107,285	0	7/22/2010	7	\$14,386	\$145
2178	C00355784	ROBINSON COMMITTEE LLC	ROBINSON, JACK E	JACK E. ROBINSON	\$1,144,604	1	7/31/2010	16	\$4,018	\$131
2180	C00467712	SINGH FOR CONGRESS	SINGH, NAVRAJ	TIMOTHY J. DAVIS	\$415,771	0		Not Filed	\$138,590 (est)	\$4,950

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation - 2010)
 July Quarterly Report for the Administrative)
 Fine Program:)
 MANUFACTURED HOUSING) AF# 2174
 INSTITUTE PAC, and BEVINGTON, RAE)
 ANN as treasurer;)

BURTON FOR CONGRESS, and) AF# 2156
 ROBERT CLAUHS as treasurer;)
 ROBINSON COMMITTEE LLC, and) AF# 2178
 JACK E ROBINSON as treasurer;)
 LABORER'S INTERNATIONAL UNION) AF# 2171
 OF NO AMERICA LOCAL NO 17)
 POLITICAL LEAGUE, and JOSEPH R)
 LIBONATI as treasurer;)
 LIBERTARIAN PARTY OF INDIANA,) AF# 2172
 and TODD SINGER as treasurer;)

COMMITTEE TO ELECT RODERICK) AF# 2161
 VEREEN FOR CONGRESS, and CHUCK)
 MOGBO as treasurer;)
 INT LONGSHOREMENS ASSOC (ILA)) AF# 2170
 LOCAL 1291 POLITICAL ACTION)
 COMMITTEE, and MARTIN MASCUILLI)
 as treasurer;)
 MONTEREY COUNTY DEMOCRATIC) AF# 2175
 CENTRAL COMMITTEE FEDERAL, and)
 HELEN E CARLIN as treasurer;)
 PAKISTANI AMERICAN PUBLIC) AF# 2177
 AFFAIRS COMMITTEE PAK-PAC, and)
 DR. PARVEZ SHAH as treasurer;)
 CARLOS MAY FOR CONGRESS, and) AF# 2157
 ROEGER, BEN as treasurer;)
 NATIONAL ASSOCIATION FOR) AF# 2176
 UNIFORMED SERVICES PAC, and)
 HARRIS, MICHAEL F. as treasurer;)

11092653045

Federal Election Commission
Certification for Administrative Fines
September 15, 2010

Page 2

11092653046

AMODEI FOR NEVADA, and NICOLA	)	AF# 2155
NEILON as treasurer;)	
CITIZENS TO ELECT ROBERT	)	AF# 2158
MARSHALL, and ROBERT MARSHALL)	
as treasurer;)	
COMMITTEE TO ELECT CHICK	)	AF# 2159
HEILESON TO CONGRESS, and)	
CORBET R MISKIN as treasurer;)	
COMMITTEE TO ELECT MARK REES,	)	AF# 2160
and MARK ROBERT REES as treasurer;)	
DR DAN 4 CONGRESS, and BRIAN	)	AF# 2163
UMBARGER as treasurer;)	
EMPIRE STATE REGIONAL COUNCIL	)	AF# 2164
OF CARPENTERS POLITICAL ACTION)	
FUND - FEDERAL, and WEIR, WILLIAM)	
J as treasurer;)	

FRIENDS OF BROSE MCVEY, and	)	AF# 2166
KAREN E ARLAND as treasurer;)	
FRIENDS OF STEVEN WELCH, and	)	AF# 2167
JEFFREY MICHAEL SPARLING as)	
treasurer;)	
GALYEAN FOR CONGRESS, and	)	AF# 2168
CAULEY, CHRISTOPHER STEWART as)	
treasurer;)	
GUNNER DELAY FOR CONGRESS, and	)	AF# 2169
MICHAEL DAVID COLLINS as treasurer;)	

SINGH FOR CONGRESS, and TIMOTHY	)	AF# 2180
J DAVIS as treasurer;)	

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 13, 2010, on the following committees:

AF#2174 Decided by a vote of 6-0 to: (1) find reason to believe that MANUFACTURED HOUSING INSTITUTE PAC, and BEVINGTON, RAE ANN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2156 Decided by a vote of 6-0 to: (1) find reason to believe that BURTON FOR CONGRESS, and ROBERT CLAUHS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2178 Decided by a vote of 6-0 to: (1) find reason to believe that ROBINSON COMMITTEE LLC, and JACK E ROBINSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2171 Decided by a vote of 6-0 to: (1) find reason to believe that LABORER'S INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17 POLITICAL LEAGUE, and JOSEPH R LIBONATI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report;

11092653047

(2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2172 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2161 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS, and CHUCK MOGBO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2170 Decided by a vote of 6-0 to: (1) find reason to believe that INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCUILLI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2175 Decided by a vote of 6-0 to: (1) find reason to believe that MONTEREY COUNTY DEMOCRATIC CENTRAL COMMITTEE FEDERAL, and HELEN E CARLIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2177 Decided by a vote of 6-0 to: (1) find reason to believe that PAKISTANI AMERICAN PUBLIC AFFAIRS COMMITTEE PAK-PAC, and DR. PARVEZ SHAH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092653048

AF#2157 Decided by a vote of 6-0 to: (1) find reason to believe that CARLOS MAY FOR CONGRESS, and ROEGER, BEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2176 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION FOR UNIFORMED SERVICES PAC, and HARRIS, MICHAEL F. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2155 Decided by a vote of 6-0 to: (1) find reason to believe that AMODEI FOR NEVADA, and NICOLA NEILON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2158 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS TO ELECT ROBERT MARSHALL, and ROBERT MARSHALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2159 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT CHICK HEILESON TO CONGRESS, and CORBET R MISKIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2160 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT MARK REES, and MARK ROBERT REES as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2163 Decided by a vote of 6-0 to: (1) find reason to believe that DR DAN 4 CONGRESS, and BRIAN UMBARGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092653049

AF#2164 Decided by a vote of 6-0 to: (1) find reason to believe that EMPIRE STATE REGIONAL COUNCIL OF CARPENTERS POLITICAL ACTION FUND - FEDERAL, and WEIR, WILLIAM J as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2166 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF BROSE MCVEY, and KAREN E ARLAND as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2167 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF STEVEN WELCH, and JEFFREY MICHAEL SPARLING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2168 Decided by a vote of 6-0 to: (1) find reason to believe that GALYEAN FOR CONGRESS, and CAULEY, CHRISTOPHER STEWART as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2169 Decided by a vote of 6-0 to: (1) find reason to believe that GUNNER DELAY FOR CONGRESS, and MICHAEL DAVID COLLINS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092653050

11092653051

AF#2180 Decided by a vote of 6-0 to: (1) find reason to believe that SINGH FOR CONGRESS, and TIMOTHY J DAVIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 15, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 2010

Karen E. Arland, in official capacity as Treasurer
Friends of Brose McVey
6022 Hollythorn Place
Carmel, IN 46033

C00458901
AF#: 2166

Dear Ms. Arland:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30, 2010, shall be filed no later than July 15, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 15, 2010, the FEC found that there is reason to believe ("RTB") that Friends of Brose McVey and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 15, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$990. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$990 is due within forty (40) days of the finding, or by October 25, 2010, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$45,772

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

11092653052

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 25, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Friends of Brose McVey and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

11092653053

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Matthew S. Petersen", written in a cursive style.

Matthew S. Petersen
Chairman

11092653054

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$990 for the 2010 July Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by October 25, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of Brose McVey

FEC ID#: C00458901

REPORT: 2010 July Quarterly

AF#: 2166

PAYMENT DUE DATE: October 25, 2010

PAYMENT AMOUNT DUE: \$990

11092653055

FEC OFFICE OF
ADMIN REVIEW

RECEIVED

2010 NOV -3 A 10:45

2010 OCT 29 AM 11:11

FEC MAIL CENTER

October 25, 2010

FRIENDS OF BROSE McVEY COMMITTEE
6022 HOLLYTHORN PLACE
CARMEL, IN 46033

CERTIFIED MAIL No. 7010 1060 0002 0914 5101
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: Identification Number: C00458901
July Quarterly Report – Challenge to Administrative Fine

Ladies and Gentlemen:

This letter serves as our challenge to the Administrative Fine imposed on the Friends of Brose McVey Committee as a result of the Committee's late filing of the July 15, 2010 Quarterly Report ("Report"). While we acknowledge that the Report was filed late, we used our best efforts to file the most complete and accurate Report as promptly as possible after compiling all the information to be included in that Report. Although we have timely filed previous quarterly reports, all of these reports were missing information and had to be amended, in some cases two or three times. Throughout this campaign, all of the data collection, compilation and entry was done by volunteers clearly did not understand the importance of capturing certain information. This fact became most evident after the candidate was unsuccessful in the May primary. Knowing that the candidate would not be running in the general election, it became our goal to provide complete and accurate information in what we viewed to be our final quarterly report. Unfortunately, compilation of that information was not completed until August 16, 2010, when we filed the Report. Perhaps we should have timely filed an incomplete report. It was our view that the spirit of the law would be better served by filing the most accurate report possible.

We would note that this is our first violation, and that we have timely filed the quarterly report due October 15, 2010. We hope you will take all of this into consideration and reverse the decision to impose an administrative fine.

Very truly yours,

Friends of Brose McVey Committee



Karen E. Arland
Treasurer

11092653056



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

November 18, 2010

Karen E. Arland, in her official capacity as Treasurer
Friends of Brose McVey
6022 Hollythorn Place
Carmel, IN 46033

C00458901
AF#: 2166

Dear Ms. Arland:

On October 29, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092653057

FEC OFFICE OF
ADMIN REVIEW
2010 NOV -4 P 3:03

Date: November 4, 2010

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2166

Committee Name: Friends of Brose McVey

Committee ID#: C00458901

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

Copy of RTB Circulation Report, dated September 13, 2010 and RTB Certification, dated September 15, 2010 (Y/N): N

Attachment #: N/A

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 1

Telecoms and Visitcoms in Response to RTB Letter (Y/N): N

Attachment #: N/A

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 July Quarterly Report Prior Notice, dated June 21, 2010.

-RTB Letter, dated September 21, 2010.

Attachment #: 2

Other RAD Information: (Y/N): N

Attachment#: N/A

11092653058

**Delivery Notification**

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9826 460 4
Reference Number(s): RAD
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Weight: 1.00 Lb
Shipped/Billed On: 09/21/2010
Delivered On: 09/24/2010 2:05 P.M.
Delivered To: 6022 HOLLYTHORN PL
CARMEL, IN, US 46033

Signed By: ARLAND
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS

Location: RESIDENTIAL

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 09/28/2010 8:55 A.M. ET

Attachment 1

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent to Friends of Brose McVey:
 - A) Prior Notice, dated June 21, 2010, referencing the 2010 July Quarterly Report (sent via electronic mail to: KAREN@BROSEMCVEY.COM);
 - B) Non-Filer Letter, dated August 3, 2010, referencing the 2010 July Quarterly Report;
 - C) Reason-to-Believe Letter, dated September 21, 2010, referencing the 2010 July Quarterly Report.

I hereby certify that I have searched the Commission's public records and find that Friends of Brose McVey filed the 2010 July Quarterly Report with the Commission on August 16, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 4th day of November, 2010.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

11092653060



JULY QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

**CONGRESSIONAL COMMITTEES
PARTIES AND PACS**

June 21, 2010

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS ¹	REC/CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	06/30/10	07/15/10	07/15/10

REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	CLOSE OF BOOKS ¹	REC/CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	09/30/10	10/15/10	10/15/10
Pre-General ²	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Parties and PACs: required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The Record: January 2010 issue [PDF]
- Candidate Guide, pp. 79-80 [PDF]

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically MUST submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 2010

RQ-7

KAREN E ARLAND, TREASURER
FRIENDS OF BROSE MCVEY
6022 HOLLYTHORNS PLACH
CARMEL, IN 46033

IDENTIFICATION NUMBER: C00458901

REFERENCE: JULY QUARTERLY REPORT 4/15/2010 - 6/30/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20461 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SARI FICKERALL AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)654-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

10030401543092653065



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2310 DEC 16 P 3:18

December 16, 2010

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2166 – Friends of Brose
McVey and Karen E. Arland, in her official capacity as Treasurer
(C00458901)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092653066



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 16, 2010

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2166 – Friends of Brose McVey and Karen E. Arland, in her official capacity as Treasurer
(C00458901)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$990 civil money penalty.

Reason-to-Believe Background

On September 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 July Quarterly Report and made a preliminary determination that the civil money penalty was \$990, based on the schedule of penalties at 11 C.F.R. § 111.43. The Reports Analysis Division ("RAD") notified the respondents of the Commission's RTB finding and civil money penalty on September 21, 2010.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending June 30 no later than July 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

The Commission's Office of Administrative Review received the written response ("challenge") from the Treasurer on November 3, 2010, requesting that the Commission reverse its decision to impose a fine. The respondents, who acknowledge that the report was late, used their best efforts to promptly file a complete and accurate report, believing that the spirit of the law would be better served by filing the most accurate report possible, rather than a timely incomplete report. Previous timely filed quarterly reports, whose data was compiled and entered by volunteers, were missing information and required amending. Following the Candidate's loss in the May primary, the respondents' goal was to file a complete and accurate final report. The compilation of the information needed for the report was completed on August 16, the same day the report was filed.

Analysis

The 2010 July Quarterly Report was filed on August 16, 32 days late.

11092653067

The respondents assert that the report was filed late due to their need to compile information to be included in the report. This process was necessary due to their volunteers', who were responsible for compiling and entering data, failure to understand the importance of capturing certain information. Despite the failure of their volunteers, the regulations are clear that the Treasurer is personally responsible for the timely and complete filing of reports, as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d).

The respondents further contend that they used their best efforts to file a complete and accurate July Quarterly Report that would not require amending as each of their prior timely filed quarterly reports had. Commission records indicate, however, that the respondents amended their July Quarterly Report on October 15, disclosing data changes as they have done with previous quarterly reports.

Negligence and inexperience of the treasurer or other staff (e.g. volunteers) are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. The other issues raised in the challenge (this is their first violation, and they timely filed the October Quarterly Report) also do not fall within the list of valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2166 involving Friends of Brose McVey and Karen E. Arland, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2166 that Friends of Brose McVey and Karen E. Arland, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents
 Attachment 2 – Declaration from RAD
 Attachment 3 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The 2010 July Quarterly Report, covering the period April 23 through June 30, is due July 15, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on July 15 to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - a) Page 1 of the Summary Page for the 2010 July Quarterly Report electronically filed by Friends of Brose McVey and Karen E. Arland, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from April 23 through June 30, 2010, and was received on August 16, 2010; and
 - b) Page 1 of the Summary Page for the amended 2010 July Quarterly Report electronically filed by Friends of Brose McVey and Karen E. Arland, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from April 23 through June 30, and was received on October 15, 2010.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 16th day of December, 2010.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINT ▼Example: If typing, type
over the lines

Friends of Brose McVey

ADDRESS (number and street)

6022 Hollythorn Lane

Check if different
than previously
reported. (ACC)

Carmel

IN

46033

2. FEC IDENTIFICATION NUMBER ▼

C00458901

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

IN

05

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

X July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

04

23

2010

through

06

30

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Mrs. Karen Arland

Signature of Treasurer

Electronically Filed by Mrs. Karen Arland

Date

08

16

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

11092653070

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Friends of Brose McVey

ADDRESS (number and street)

6022 Hollythorn Lane

Check if different
than previously
reported. (ACC)

Carmel

IN

46033

2. FEC IDENTIFICATION NUMBER

C00458901

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
REPORTNEW
(N)

OR

X

AMENDED
(A)

IN

05

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

X July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 04 23 2010 through 06 30 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Mrs. Karen Arland

Signature of Treasurer Electronically Filed by Mrs. Karen Arland

Date 10 15 2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FESAN018

11092653071



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 17, 2010

Karen E. Arland, in her official capacity as Treasurer
Friends of Brose McVey
6022 Mollythorn Place
Carmel, IN 46033

C00458901
AF# 2166

Dear Ms. Arland:

On September 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Friends of Brose McVey and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$990 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

11092653072



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 JAN -6 P 2:08

January 5, 2011

MEMORANDUM

To: The Commission

Through: *Alec Palmer*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2166 – Friends of Brose
McVey and Karen E. Arland, in her official capacity as Treasurer
(C00458901)

On September 15, 2010, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 July Quarterly Report and also made a preliminary determination that the civil money penalty was \$990 based on the schedule of penalties at 11 C.F.R. § 111.43.

On November 3, 2010, the Office of Administrative Review received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated December 16, 2010 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$990 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

11092653073

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2166 involving Friends of Brose McVey and Karen E. Arland, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2166 that Friends of Brose McVey and Karen E. Arland, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990; and
- (3) Send the appropriate letter.

11092653074

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation –) AF 2166
Friends of Brose McVey and Karen E.)
Arland, in her official capacity as)
Treasurer (C00458901))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 21, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2166:

1. Adopt the Reviewing Officer recommendation for AF 2166 involving Friends of Brose McVey and Karen E. Arland, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF 2166 that Friends of Brose McVey and Karen E. Arland, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

January 21, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092653075



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 25, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Karen E. Arland, in her official capacity as Treasurer
Friends of Brose McVey
6022 Hollythorn Place
Carmel, IN 46033

C00458901
AF# 2166

Dear Ms. Arland:

On September 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of Brose McVey and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 July Quarterly Report. By letter dated September 21, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$990 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On November 3, 2010, the Office of Administrative Review received the written response from you, in your official capacity as Treasurer, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Friends of Brose McVey and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$990 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on December 17, 2010.

On January 21, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Friends of Brose McVey and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$990. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

11092653076

determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

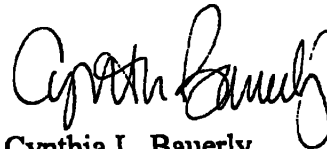
If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$990 for the 2010 July Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFT's). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of Brose McVey

FEC ID#: C00458901

AF#: 2166

PAYMENT AMOUNT DUE: \$990

FOR: Friends of Brose McVey

FEC ID#: C00458901

AF#: 2166

PAYMENT AMOUNT DUE: \$990

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000099000 BA# 2 03-11-11 20 4



11092653079



INDIANA CREDIT UNION
Member Credit Union
No. 731093
DATE 03/10/2011
CASHIERS CHECK
PAY TO THE ORDER OF
FEDERAL ELECTION COMMISSION
RE: KAREN ARLAND
\$990.00
AUTHORIZED SIGNATURE
Ron Lohr

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO SEE THE MARK WHEN CHECKING THE ENDORSEMENT.



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2166

DATE SCANNED

4/25/11

SCANNER NO.

2

SCAN OPERATOR

AEJ

11092653080